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JONES, DAY, REAVIS & POGUE

ATLANTA LOS ANGELES
BRUSSELS NEW DELHI
CHICAGO NEW YORK
COLUMBUS PARIS
DALLAS PITTSBURGH
FRANKFURT RIYADH
GENEVA TAIPEI
HONG KONG TOKYO
IRVINE WASHINGTON
LONDON

NORTH POINT
901 LAKESIDE AVENUE
CLEVELAND, OHIO 44114

TELEPHONE: 216-586-3939
TELEX: 980389
CABLE: ATTORNEYS CLEVELAND
FACSIMILE: 216-579-0212
WRITER'S DIRECT NUMBER:

(216) 586-7155

April 9, 1996

189809 1
950627-001-001
0469:PJL

Sherry L. Estes, Esq.
United States Environmental Protection Agency (CS-29A)
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Stickney Avenue Landfill

Dear Ms. Estes:

I am writing on behalf of Alside, Inc. to request that Alside be removed from the list of entities which the U.S. EPA considers to be potentially responsible parties with respect to the Stickney Avenue Landfill in Toledo, Ohio. Alside makes this request because, to the best of Alside's knowledge, the Agency has no evidence that Alside arranged for the management or disposal of any hazardous substance at or on the properties currently referred to as the Stickney Avenue Landfill Site or the XXChem Company Site.

During a telephone conversation earlier this year, you informed me that the Agency's theory of Alside's liability is not premised on a claim that Alside sent material to the Stickney Avenue Landfill Site. Rather, you stated that Alside was considered a PRP because of materials it sent to a company known as S.M. Allen Inc. You explained to me that S.M. Allen had conducted business on a portion of the XXChem Company Site which is to be included within the scope of the response action to be taken at the adjacent Stickney Avenue Landfill Site.

While Alside disputes whether such a nexus between it and a company which conducted operations adjacent to a Superfund site to be addressed via response action renders it a PRP with respect to such a site, that is not the basis for Alside's request. Rather, Alside disputes that it sent any materials to S.M. Allen. Alside is aware of only two existing documents which reflect a single transaction between it and S.M. Allen. The first document, bearing Invoice No. 1050, was voided and subsequently replaced by the second document, Invoice No. 1051 dated December 22, 1981. Alside

Sherry Estes, Esq.
April 9, 1996
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believes that this document reflects the purchase of 1,1,1 trichloroethane from S.M. Allen rather than a shipment.

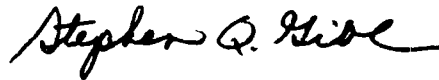
For example, S.M. Allen Invoice No. 1011 relates to a July 16, 1981 transaction with Zeller Corporation. This invoice clearly covers the purchase by Zeller of virgin 1,1,1 trichloroethane at 36 cents per pound with another entry for recycled 1,1,1 trichloroethane at 25 cents per pound and a "sludge charge" of 35 cents per gallon. Other invoices showing transactions involving "refined" 1,1,1 trichloroethane show associated sludge charges as well. The absence of a sludge charge on the Alside invoice and the closer price between the Alside material and the virgin Zeller material demonstrates that the Alside invoice covers a purchase of virgin solvent from S.M. Allen rather than a charge for managing or disposing of spent solvent from Alside at the S.M. Allen facility.

Of course, there is no Superfund liability created simply because an entity purchases a hazardous substance from a facility at which later there is a release. This conclusion is clear through an examination of the document itself and in comparison with other S.M. Allen invoices covering both virgin solvent sales and recycling activities. Thus, if the only evidence tying Alside to S.M. Allen is a record of a purchase from the company rather than a shipment to the site, there is no reason to continue to consider Alside as a PRP. If there is other evidence of liability, the EPA should advise Alside of such evidence as soon as possible.

For your convenience, I have enclosed copies of the invoices mentioned in this letter. Please call me after you have had an opportunity to discuss the foregoing information.

Thank you for your attention to the important matter.

Very truly yours,

A handwritten signature in cursive script, reading "Stephen Q. Giblin".

Stephen Q. Giblin

Enclosures

S. M. ALLEN INC.
3903 Stickerley Avenue
TOLEDO, OHIO 43608

(419) 728-7810

TO Zeller Corporation

P O Box 278

Defiance, Ohio 43512

INVOICE

No 1011

INVOICE DATE 7-16-81	SALESPERSON
SHIP TO Plant 1	
Rt. 424 West.	

YOUR ORDER NO. 30550	DATE SHIPPED 7-16-81	SHIPPED VIA Our Truck	F.O.B. POINT Defiance	TERMS Net 30 Days		
QUANTITY	DESCRIPTION			UNIT PRICE	TOTAL	
5757.4	Lbs	Recycled 1-1-1 Trichlorethane		.25	\$ 1439	35
162.6	Lbs	Virgin 1-1-1 Trichlorethane		.36	58	54
105	Gal	Sludge Charge		.35	36	75
					\$ 1534	54
<p>PD 8/10/81 check # 3738</p>						

QUADRUPLICATE

Thank You

SMA0795

S. M. ALLEN INC.
3908 Broadway Avenue
TOLEDO, OHIO 43608

(419) 726-7810

TO **Alside Inc.**

P O Box 2010

ALFRED, SALES 44309

INVOICE

No. 1050

INVOICE DATE 12-21-81	SALESPERSON Farrington
SHIP TO	

YOUR ORDER NO.	DATE SHIPPED	SHIPPED BY	F.O.B. POINT	TERMS
01-10407	12-21-81	Branch Mtr Egt	Toledo	Net 30 Days
QUANTITY		DESCRIPTION	UNIT PRICE	TOTAL
2	592# Drum	1-1-1 Trichlorethane	34	\$
<p><i>Handwritten:</i> 11/20/81, 11/21/81, 11/22/81, 11/23/81, 11/24/81, 11/25/81, 11/26/81, 11/27/81, 11/28/81, 11/29/81, 11/30/81, 12/1/81, 12/2/81, 12/3/81, 12/4/81, 12/5/81, 12/6/81, 12/7/81, 12/8/81, 12/9/81, 12/10/81, 12/11/81, 12/12/81, 12/13/81, 12/14/81, 12/15/81, 12/16/81, 12/17/81, 12/18/81, 12/19/81, 12/20/81, 12/21/81, 12/22/81, 12/23/81, 12/24/81, 12/25/81, 12/26/81, 12/27/81, 12/28/81, 12/29/81, 12/30/81, 12/31/81, 1/1/82, 1/2/82, 1/3/82, 1/4/82, 1/5/82, 1/6/82, 1/7/82, 1/8/82, 1/9/82, 1/10/82, 1/11/82, 1/12/82, 1/13/82, 1/14/82, 1/15/82, 1/16/82, 1/17/82, 1/18/82, 1/19/82, 1/20/82, 1/21/82, 1/22/82, 1/23/82, 1/24/82, 1/25/82, 1/26/82, 1/27/82, 1/28/82, 1/29/82, 1/30/82, 1/31/82, 2/1/82, 2/2/82, 2/3/82, 2/4/82, 2/5/82, 2/6/82, 2/7/82, 2/8/82, 2/9/82, 2/10/82, 2/11/82, 2/12/82, 2/13/82, 2/14/82, 2/15/82, 2/16/82, 2/17/82, 2/18/82, 2/19/82, 2/20/82, 2/21/82, 2/22/82, 2/23/82, 2/24/82, 2/25/82, 2/26/82, 2/27/82, 2/28/82, 2/29/82, 2/30/82, 3/1/82, 3/2/82, 3/3/82, 3/4/82, 3/5/82, 3/6/82, 3/7/82, 3/8/82, 3/9/82, 3/10/82, 3/11/82, 3/12/82, 3/13/82, 3/14/82, 3/15/82, 3/16/82, 3/17/82, 3/18/82, 3/19/82, 3/20/82, 3/21/82, 3/22/82, 3/23/82, 3/24/82, 3/25/82, 3/26/82, 3/27/82, 3/28/82, 3/29/82, 3/30/82, 3/31/82, 4/1/82, 4/2/82, 4/3/82, 4/4/82, 4/5/82, 4/6/82, 4/7/82, 4/8/82, 4/9/82, 4/10/82, 4/11/82, 4/12/82, 4/13/82, 4/14/82, 4/15/82, 4/16/82, 4/17/82, 4/18/82, 4/19/82, 4/20/82, 4/21/82, 4/22/82, 4/23/82, 4/24/82, 4/25/82, 4/26/82, 4/27/82, 4/28/82, 4/29/82, 4/30/82, 5/1/82, 5/2/82, 5/3/82, 5/4/82, 5/5/82, 5/6/82, 5/7/82, 5/8/82, 5/9/82, 5/10/82, 5/11/82, 5/12/82, 5/13/82, 5/14/82, 5/15/82, 5/16/82, 5/17/82, 5/18/82, 5/19/82, 5/20/82, 5/21/82, 5/22/82, 5/23/82, 5/24/82, 5/25/82, 5/26/82, 5/27/82, 5/28/82, 5/29/82, 5/30/82, 5/31/82, 6/1/82, 6/2/82, 6/3/82, 6/4/82, 6/5/82, 6/6/82, 6/7/82, 6/8/82, 6/9/82, 6/10/82, 6/11/82, 6/12/82, 6/13/82, 6/14/82, 6/15/82, 6/16/82, 6/17/82, 6/18/82, 6/19/82, 6/20/82, 6/21/82, 6/22/82, 6/23/82, 6/24/82, 6/25/82, 6/26/82, 6/27/82, 6/28/82, 6/29/82, 6/30/82, 7/1/82, 7/2/82, 7/3/82, 7/4/82, 7/5/82, 7/6/82, 7/7/82, 7/8/82, 7/9/82, 7/10/82, 7/11/82, 7/12/82, 7/13/82, 7/14/82, 7/15/82, 7/16/82, 7/17/82, 7/18/82, 7/19/82, 7/20/82, 7/21/82, 7/22/82, 7/23/82, 7/24/82, 7/25/82, 7/26/82, 7/27/82, 7/28/82, 7/29/82, 7/30/82, 7/31/82, 8/1/82, 8/2/82, 8/3/82, 8/4/82, 8/5/82, 8/6/82, 8/7/82, 8/8/82, 8/9/82, 8/10/82, 8/11/82, 8/12/82, 8/13/82, 8/14/82, 8/15/82, 8/16/82, 8/17/82, 8/18/82, 8/19/82, 8/20/82, 8/21/82, 8/22/82, 8/23/82, 8/24/82, 8/25/82, 8/26/82, 8/27/82, 8/28/82, 8/29/82, 8/30/82, 8/31/82, 9/1/82, 9/2/82, 9/3/82, 9/4/82, 9/5/82, 9/6/82, 9/7/82, 9/8/82, 9/9/82, 9/10/82, 9/11/82, 9/12/82, 9/13/82, 9/14/82, 9/15/82, 9/16/82, 9/17/82, 9/18/82, 9/19/82, 9/20/82, 9/21/82, 9/22/82, 9/23/82, 9/24/82, 9/25/82, 9/26/82, 9/27/82, 9/28/82, 9/29/82, 9/30/82, 10/1/82, 10/2/82, 10/3/82, 10/4/82, 10/5/82, 10/6/82, 10/7/82, 10/8/82, 10/9/82, 10/10/82, 10/11/82, 10/12/82, 10/13/82, 10/14/82, 10/15/82, 10/16/82, 10/17/82, 10/18/82, 10/19/82, 10/20/82, 10/21/82, 10/22/82, 10/23/82, 10/24/82, 10/25/82, 10/26/82, 10/27/82, 10/28/82, 10/29/82, 10/30/82, 10/31/82, 11/1/82, 11/2/82, 11/3/82, 11/4/82, 11/5/82, 11/6/82, 11/7/82, 11/8/82, 11/9/82, 11/10/82, 11/11/82, 11/12/82, 11/13/82, 11/14/82, 11/15/82, 11/16/82, 11/17/82, 11/18/82, 11/19/82, 11/20/82, 11/21/82, 11/22/82, 11/23/82, 11/24/82, 11/25/82, 11/26/82, 11/27/82, 11/28/82, 11/29/82, 11/30/82, 12/1/82, 12/2/82, 12/3/82, 12/4/82, 12/5/82, 12/6/82, 12/7/82, 12/8/82, 12/9/82, 12/10/82, 12/11/82, 12/12/82, 12/13/82, 12/14/82, 12/15/82, 12/16/82, 12/17/82, 12/18/82, 12/19/82, 12/20/82, 12/21/82, 12/22/82, 12/23/82, 12/24/82, 12/25/82, 12/26/82, 12/27/82, 12/28/82, 12/29/82, 12/30/82, 12/31/82, 1/1/83, 1/2/83, 1/3/83, 1/4/83, 1/5/83, 1/6/83, 1/7/83, 1/8/83, 1/9/83, 1/10/83, 1/11/83, 1/12/83, 1/13/83, 1/14/83, 1/15/83, 1/16/83, 1/17/83</p>				

QUADRUPLICATE

Thank You

SMA0001

TOLEDO, OHIO 43608

(418) 728-7810

TO **Alside Inc**

P O Box 2010

Akron, Ohio 44309

INVOICE

No. 1051

INVOICE DATE 12-22-81	SALESPERSON Partha
SHIP TO	

<small>YOUR ORDER NO.</small>	<small>DATE SHIPPED</small>	<small>SHIPPED VIA</small>	<small>F.O.B. POINT</small>	<small>TERMS</small>		
-10407	12-21-81	Branch Mtr Fgt	Toledo	Net 30 Days		
<small>QUANTITY</small>	<small>DESCRIPTION</small>		<small>UNIT PRICE</small>	<small>TOTAL</small>		
2	592# Drum	1-1-1 Trichlorethane	43#	\$	509	12
<i>[Handwritten Signature]</i> OK 769 Packed						

QUADRÜPLICATE

Thank You

SMA0002